

Roberto Carlos Villavas #
Name and Prisoner/Booking Number

Lower Buckeye Jail
Place of Confinement

3250 W. Lower Buckeye Road
Mailing Address

Phoenix, Arizona 85009
City, State, Zip Code

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
SEP 22 2017	
CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
BY	DEPUTY

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Roberto Carlos Villavas,

(Full Name of Plaintiff)

Plaintiff,

v.

In his Individual and
official capacities

(1) Officer Jeremy Ennis #09399,
(Full Name of Defendant)

✓ (first name)

→ (2) Officer Mendoza #9372 Unknown
In his Individual and official capacities

(3) city of phoenix, Arizona

(4) _____,

Defendant(s).

Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. CV-17-03303-PHX-JJT--BSB

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

Jury trial Demanded.

- Original Complaint
 First Amended Complaint
 Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

28 U.S.C. § 1343(a); 42 U.S.C. § 1983

28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

Other: _____

2. Institution/city where violation occurred: phoenix, AZ

B. DEFENDANTS

1. Name of first Defendant: Officer Jeremy Ennis #09309. The first Defendant is employed
as: Phoenix police officer at Phoenix police department.
 (Position and Title) (first name) (Institution)
2. Name of second Defendant: Officer Mendoza #9372. The second Defendant is employed as:
as: Phoenix police officer at Phoenix police department.
 (Position and Title) (Institution)
3. Name of third Defendant: City of Phoenix, Arizona. The third Defendant is employed
as: _____ at _____.
 (Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed
as: _____ at _____.
 (Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
- a. First prior lawsuit:
1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
- b. Second prior lawsuit:
1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
- c. Third prior lawsuit:
1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: Violation of fourth Amendment right, and 14th Amendment rights
2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Violation of fourth Amendment right, + 14th Amendment</u> | |
3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
- on the day of my arrest, I was exiting the Apartment Complex which I was currently residing in, while on my bicycle. When I was approached by phoenix officer Ennis #09399 and phoenix officer Mendoza # 9372 for no apparent reason (I believe I was targeted for being a hispanic male with tattoos and therefore racially profiled). As officer Ennis #09399 starts Questioning me (still in his moving vehicle) He state's "you want to run, huh?" with one leg hanging out of his moving vehicle, as if he was ready to start chasing after me on foot. So being in fear of my safety and feeling intimidated I felt I had no other option but to stop. So as all this is taking place I repeatedly asked officer Ennis #09399 "why was I being stopped?" but He clearly ignored my Questions and Continued on with his questioning which lead to me being incarcerated. It asked me for my name, birth date and social security number and then searched my person and then confiscated some alleged evidence..
- I am alleging that phoenix police officers Ennis #09399 and Mendoza #9372 Violated my right to be free from unreasonable searches and seizures protected under the 4th Amendment to the United States Constitution and Violated my rights under the Due process clause and the Equal Protection Clause of The 14th Amendment to the United States Constitution.
4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
- I was placed in the Maricopa County Jail, where I'm currently at till this day. Racially profiled mental anguish, unlawful detention, loss of work, and time away from my children and my family.
5. **Administrative Remedies:**
- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
 - b. Did you submit a request for administrative relief on Count I? Yes No
 - c. Did you appeal your request for relief on Count I to the highest level? Yes No
 - d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. I am not complaining about incarcerated conditions.

COUNT II

1. State the constitutional or other federal civil right that was violated: _____.

2. **Count II.** Identify the issue involved. Check only one. State additional issues in separate counts.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____. | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

_____.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

_____.

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
 - b. Did you submit a request for administrative relief on Count II? Yes No
 - c. Did you appeal your request for relief on Count II to the highest level? Yes No
 - d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____.
- _____
_____.

COUNT III

1. State the constitutional or other federal civil right that was violated: _____.

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____. | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

_____.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

_____.
_____.

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count III? Yes No
- c. Did you appeal your request for relief on Count III to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____.
_____.

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

Officer Ennis #09399 - 1 million dollars in
punitive damages and 1 million dollars in compensatory
damages.

Officer Mendoza #9372 - 500,000 dollars in punitive
damages and 500,000 dollars in compensatory damages.

City of Phoenix, Arizona - 2 million dollars in compensatory damages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-17-2017
DATE

Respectfully Submitted.



SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.



PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201700001113050	CFS Incident # 201701113050
Report Type Incident Report	Page 10 of 12
Date / Time Occurred to	Date / Time Reported 08/26/2017 19:46

Related Person Suspect: VILLOVOS, ROBERTO	Involvement PERSON IN POSSESSION
Comment	

Impounded Site MOUNTAIN VIEW PRECINCT	Impounded By ENNIS, JEREMY
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Summary

DRUG	Drug Type HEROIN	Action SEIZED	Quantity 1	Units of Measurement DOSAGE UNITS	Estimated Street Value 0
------	---------------------	------------------	---------------	--------------------------------------	-----------------------------

Date Recovered

Marijuana (For Drug Type E=Marijuana and Measurement NP = No. of Plants)

Location	Number of Plots	
----------	-----------------	--

Comment

DRUG	Drug Type AMPHETAMINES/METHAMPHETAMINES	Action SEIZED	Quantity 1	Units of Measurement GRAM	Estimated Street Value 0
------	--	------------------	---------------	------------------------------	-----------------------------

Date Recovered

Marijuana (For Drug Type E=Marijuana and Measurement NP = No. of Plants)

Location	Number of Plots	
----------	-----------------	--

Comment

DRUG	Drug Type AMPHETAMINES/METHAMPHETAMINES	Action SEIZED	Quantity 1	Units of Measurement GRAM	Estimated Street Value 0
------	--	------------------	---------------	------------------------------	-----------------------------

Date Recovered

Marijuana (For Drug Type E=Marijuana and Measurement NP = No. of Plants)

Location	Number of Plots	
----------	-----------------	--

Comment

DRUG	Drug Type HEROIN	Action SEIZED	Quantity 1	Units of Measurement GRAM	Estimated Street Value 0
------	---------------------	------------------	---------------	------------------------------	-----------------------------

Date Recovered

Marijuana (For Drug Type E=Marijuana and Measurement NP = No. of Plants)

Location	Number of Plots	
----------	-----------------	--

Comment

Narrative Information

ON 062617 AT APPROXIMATELY 2000 HOURS ROBERTO VILLOVOS WAS FOUND TO BE IN POSSESSION OF NARCOTIC DRUGS, POSSESSION OF DANGEROUS DRUGS AND POSSESSION OF DRUG PARAPHERNALIA AT 3606 E VAN BUREN ST BY HAVING A LOADED SYRINGE CONTAINING A BROWN LIQUID BELIEVED TO BE HEROIN, 2 BAGS OF HEROIN, 2 BAGS CONTAINING METHAMPHETAMINES AND A USED SYRINGE IN HIS POSSESSION.

ON 062617 AT APPROXIMATELY 1946 HOURS I WAS ON PATROL AS A TWO MAN UNIT WITH OFFICER MENDOZA #9372 IN A FULLY MARKED CITY OF PHOENIX POLICE VEHICLE IN THE AREA OF 3600 E VAN BUREN ST. THIS IS A HIGH DRUG USE AREA AND WE WERE ON INTENSIVE PATROL THERE FOR THAT REASON.

AS WE DROVE OUR PATROL VEHICLE INTO THE APARTMENT COMPLEX LOCATED AT 3710 E VAN BUREN ST I OBSERVED A HISPANIC MALE ON A BIKE. HE WAS LATER IDENTIFIED AS ROBERTO VILLOVOS. AS HE SAW US DRIVE INTO THE PARKING LOT HE APPEARED TO BECOME VERY NERVOUS AND QUICKLY TURNED TO LEAVE THE PARKING LOT. WE PULLED BACK UP TO THE EXIT OF THE COMPLEX AND OBSERVED ROBERTO RIDING HIS BIKE WEST ON THE NORTH SIDE OF THE ROAD. HE WAS LOOKING BACK AT US AS HE WAS RIDING. HE LOOKED BACK SEVERAL TIMES UNTIL HE SAW US DRIVING WEST ALSO. WHILE ROBERTO WAS RIDING HIS BIKE WEST WE PULLED UP NEXT TO HIM. I HAD MY WINDOW DOWN AS WE PULLED ALONG SIDE ROBERTO. I SAID HELLO TO HIM AND ASKED



PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201700001113050	CFS Incident # 201701113050
Report Type Incident Report	Page 11 of 12
Date / Time Occurred to	Date / Time Reported 08/26/2017 19:46

HIM HOW HE WAS DOING. HE STOPPED HIS BIKE AND SAID HI BACK. AT THIS TIME WE ALSO STOPPED. I ASKED ROBERTO IF HE WAS JUST DOWN THE STREET. ROBERTO STATED HE WASNT. I ASKED HIM WHAT HIS NAME WAS. HE STATED THAT HIS NAME WAS CARLOS. I ASKED HIM WHAT HIS LAST NAME WAS AND HE RESPONDED THAT HIS LAST NAME WAS CONTRERAS. I ASKED HIM HOW TO SPELL HIS LAST NAME. ROBERTO HESITATED AND THEN SPELLED CONTREREZ. I ASKED HIM WHAT HIS BIRTHDAY WAS AND HE STATED THAT IT WAS 01031982. I CONDUCTED A RECORDS CHECK AND NOTHING CAME BACK. I ASKED ROBERTO IF HE GAVE ME HIS REAL NAME. HE STATED HE DID. I ASKED HIM FOR HIS SOCIAL SECURITY NUMBER. ROBERTO PROVIDED 601677238 WHICH CAME BACK TO RICARDO MILLANES.

WHILE I WAS TALKING WITH ROBERTO HE REMAINED SEATED ON HIS BIKE BUT HAD ROLLED A LITTLE WEST WHERE HE WAS CONCEALED BY THE SHRUBS BETWEEN THE STREET AND SIDEWALK. ROBERTO WAS GETTING MORE AND MORE NERVOUS. I COULD NOT SEE HIS HANDS BUT HE WAS MOVING AROUND A LOT. AT THIS POINT I BELIEVED THAT ROBERTO WAS GIVING ME A FAKE NAME. I EXITED MY PATROL VEHICLE AND WALKED OVER TO ROBERTO. I ASKED HIM IF HE HAD HIS IDENTIFICATION WITH HIM BECAUSE THE NAME HE GAVE ME DID NOT HAVE A RECORD AND THE SOCIAL SECURITY NUMBER HE GAVE ME CAME BACK TO A NAME THAT DID NOT MATCH THE NAME HE GAVE ME. WHILE I WAS TALKING TO ROBERTO OFFICER MENDOZA #9372 WALKED UP. HE LOCATED A CLEAR BAG CONTAINING METHAMPHETAMINES, A PLASTIC BAG CONTAINING HEROIN AND A PLASTIC CONTAINER THAT CONTAINED A GRAY PLASTIC BAG OF HEROIN AND A CLEAR BAG CONTAINING METHAMPHETAMINES. THESE ITEMS WERE LAYING ON THE GROUND APPROXIMATELY 2 FEET FROM WHERE ROBERTO WAS BEHIND THE BUSH'S.

ROBERTO ADMITTED HE GAVE ME A FALSE NAME AND STATED THAT HE HAD HIS ID. HE INFORMED ME THAT HE WAS ON PROBATION AND DID NOT WANT TO HAVE POLICE CONTACT. I CONDUCTED A RECORDS CHECK ON ROBERTO'S TRUE NAME AND DATE OF BIRTH. THIS RECORD CHECK REVEALED THAT ROBERTO HAD 2 OUTSTANDING FELONY WARRANTS. AT THIS TIME I INFORMED ROBERTO THAT HE HAD 2 FELONY WARRANTS AND THAT HE WAS UNDER ARREST FOR THOSE WARRANTS.

SEARCH INCIDENT TO ARREST I LOCATED A LOADED SYRINGE CONTAINING A BROWN COLORED LIQUID BELIEVED TO BE HEROIN. I LOCATED A USED SYRINGE AND A TOURNIQUET.

I READ ROBERTO HIS MIRANDA RIGHTS FROM A MIRANDA WARNINGS CARD AT 2012 HOURS. WHEN ASKED IF HE UNDERSTANDS HIS RIGHTS ROBERTO STATED "YES SIR"

I ASKED ROBERTO HOW LONG HE HAD BEEN USING HEROIN. ROBERTO STATED THAT HE HAS BEEN USING HEROIN FOR APPROXIMATELY 2 YEARS.

I ASKED ROBERTO HOW OFTEN HE IS USING HEROIN. ROBERTO INFORMED ME THAT HE IS SHOOTING UP 3 TO 4 TIMES A DAY.

I ASKED ROBERTO IF HE ONLY INJECTS OR IF HE SMOKES HEROIN ALSO. ROBERTO STATED THAT HE ONLY INJECTS HEROIN.

I ASKED ROBERTO IF HE HAD HEROIN IN THE LOADED SYRINGE I FOUND IN HIS BACK PACK. ROBERTO STATED THAT IT WAS HEROIN.

I ASKED ROBERTO IF HE HAD PURCHASED THE BAGS WE FOUND ON THE GROUND FROM SOMEONE AT 3710 E VAN BUREN ST. ROBERTO CLAIMED THAT THE BAGS WE FOUND DID NOT BELONG TO HIM.

I INFORMED ROBERTO THAT I DID NOT SEE HIM THROW THE BAGS OF HEROIN AND METHAMPHETAMINES ON THE GROUND BUT I WAS SURE THEY WERE HIS. ROBERTO STATED THAT A BLACK GUY HAD WALKED BY AND THROWN THE BAGS ON THE GROUND WHILE WE WERE TALKING TO HIM. IT SHOULD BE NOTED THAT NOBODY WALKED BY WHILE WE WERE TALKING TO ROBERTO UNTIL AFTER OFFICER MENDOZA RECOVERED THE HEROIN AND METHAMPHETAMINES FROM THE GROUND.

I ASKED ROBERTO WHY HE HAD SO MANY 1 DOLLAR BILLS AND 5 DOLLAR BILLS. ROBERTO CLAIMED THAT HE DOES TATTOOS AND THAT HE EARNED THAT MONEY DOING TATTOOS.



PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201700001113050	CFS Incident # 201701113050
Report Type Incident Report	Page 12 of 12
Date / Time Occurred to	Date / Time Reported 06/26/2017 19:46

I ASKED ROBERTO IF HE WAS SELLING DRUGS TO SUPPORT HIS HEROIN ADDICTION. ROBERTO STATED THAT HE DOES NOT SELL DRUGS AND THAT HE DID TATTOOS TO PAY FOR HIS DRUGS.

ROBERTO ADMITS THAT THE LOADED SYRINGE IN HIS BACKPACK CONTAINED HEROIN. HE ADMITS HE USES HEROIN. HE CLAIMS THAT THE BAGS OF HEROIN AND METHAMPHETAMINES LAYING ON THE GROUND WERE NOT HIS. HOWEVER THE BAGS WERE CLEAN AND LAYING TOGETHER. THE WERE NOT HIDDEN IN ANYWAY. THEY WERE APPROXIMATELY 3 FEET FROM WHERE HE WAS STANDING. GIVEN THE AREA AND THE PEOPLE WHO ARE WALKING AROUND CONSTANTLY LOOKING AT THE GROUND FOR HALF SMOKED CIGARETTES IT IS NOT LIKELY THAT 2 BAGS OF HEROIN AND 2 BAGS OF METHAMPHETAMINES WOULD BE LAYING IN PLAIN SITE.

I LATER CONDUCTED FIELD TESTS ON THE HEROIN AND METHAMPHETAMINES WITH POSITIVE RESULTS. I IMPOUNDED THE LOADED SYRINGE AT THE PHOENIX CRIME LAB FOR LAB ANALYSIS.

ROBERTO WAS TRANSPORTED AND BOOKED INTO THE 4TH AVENUE JAIL FOR HIS 2 OUTSTANDING FELONY WARRANTS, POSSESSION OF NARCOTIC DRUGS, POSSESSION OF NARCOTIC DRUGS AND POSSESSION OF DRUG PARAPHERNALIA.

Public Narrative

**MARICOPA COUNTY SHERIFF'S OFFICE
PAUL PENZONE, SHERIFF**

CERTIFICATION

I hereby certify that on this date SEPTEMBER 20, 2017

I mailed the original and one (1) copy to the Clerk of the United States District Court, District of Arizona.

I further certify that copies of the original have been forwarded to:

Hon _____ United States District Court, District of Arizona.
 Hon _____ United States District Court, District of Arizona.
 Attorney General, State of Arizona, _____
 Judge _____ Superior Court, Maricopa County, State of Arizona.
 County Attorney, Maricopa County, State of Arizona _____
 Public Defender, Maricopa County, State of Arizona _____
 Attorney _____
 Other _____


Legal Support Specialist Signature

B1255
S/N

INMATE LEGAL SERVICES
Maricopa County Sheriff's Office
3250 W. Lower Buckeye Rd.
Phoenix, AZ 85009



MARICOPA COUNTY SHERIFF'S OFFICE
INMATE LEGAL SERVICES
LOWER BUCKEYE JAIL
3250 WEST LOWER BUCKEYE ROAD
PHOENIX, AZ 85009

T 359186

U.S. District Court Clerk
U.S. Courthouse, Suite 130
401 W. Washington Street, SPC 10
Phoenix, AZ 85003

RECEIVE

SEP 22 2017

CLERK OF THE U.S.
UNITED STATES DISTRICT
FOR THE DISTRICT OF